

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 892

Introduced by Jensen, 20; Byars, 30

Read first time January 9, 2002

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to dentistry; to amend section 71-1,103,
2 Revised Statutes Supplement, 2000, and sections 71-101,
3 71-183.02, and 71-193.16, Revised Statutes Supplement,
4 2001; to provide for faculty licenses; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The department upon recommendation of the
2 Board of Dentistry shall issue a faculty license to any person who
3 meets the requirements of subsection (4) or (5) of this section. A
4 faculty licensee may practice dentistry only as a faculty member at
5 a dental education institution in the State of Nebraska accredited
6 by the Commission on Dental Accreditation of the American Dental
7 Association, the Commission on Dental Accreditation of Canada, or
8 similar organization as determined by the board and may teach
9 dentistry, conduct research, and participate in an institutionally
10 administered faculty practice only at such dental education
11 institution. A faculty licensee eligible for licensure under
12 subsection (5) of this section shall limit his or her practice to
13 the clinical discipline in which he or she has received
14 postgraduate education at an accredited dental education
15 institution.

16 (2) Any person who desires a faculty license shall make a
17 written application to the department. The application shall
18 include information regarding the applicant's professional
19 qualifications, experience, and licensure. The application shall
20 be accompanied by a copy of the applicant's dental degree, any
21 other degrees or certificates for postgraduate education of the
22 applicant, the required licensure fee as provided in section
23 71-162, and certification from the dean of an accredited dental
24 education institution in the State of Nebraska that the applicant
25 has a contract to be employed as a full-time faculty member at such
26 institution.

27 (3) A faculty license shall expire at the same time and
28 be subject to the same renewal requirements as a regular dental

1 license, except that such license shall remain valid and may only
2 be renewed if:

3 (a) The faculty licensee remains employed as a full-time
4 faculty member of an accredited dental education institution in the
5 State of Nebraska;

6 (b) The faculty licensee demonstrates continuing clinical
7 competence if required by the board; and

8 (c) Prior to or within three years after the issuance of
9 the initial license the faculty licensee, if licensed under
10 subsection (5) of this section, has passed Part I and Part II of
11 the National Board Dental Examinations or its equivalent as
12 determined by the Board of Dentistry.

13 (4) An individual who graduated from an accredited dental
14 education institution shall be eligible for a faculty license if he
15 or she:

16 (a) Has a license to practice dentistry in some other
17 state in the United States;

18 (b) Has a contract to be employed as a full-time faculty
19 member at an accredited dental education institution in the State
20 of Nebraska;

21 (c) Passes a jurisprudence examination administered by
22 the Board of Dentistry; and

23 (d) Agrees to demonstrate continuing clinical competency
24 as a condition of renewal if required by the board.

25 (5) An individual who graduated from a dental education
26 institution not located in the United States shall be eligible for
27 a faculty license if he or she:

28 (a) Has completed at least two years of postgraduate

1 education at an accredited dental education institution and
2 received a certificate or degree from such institution;

3 (b) Has a contract to be employed as a full-time faculty
4 member at an accredited dental education institution in the State
5 of Nebraska;

6 (c) Passes a jurisprudence examination administered by
7 the Board of Dentistry;

8 (d) Agrees to demonstrate continuing clinical competency
9 as a condition of renewal if required by the board; and

10 (e) Has passed or agrees to take Part I and Part II of
11 the National Board Dental Examinations or its equivalent as
12 determined by the Board of Dentistry within three years after the
13 issuance of the initial license.

14 Sec. 2. Section 71-101, Revised Statutes Supplement,
15 2001, is amended to read:

16 71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to
17 71-1,338, 71-1,343 to 71-1,350, 71-1301 to 71-1354, and 71-2801 to
18 71-2823 and section 1 of this act shall be known and may be cited
19 as the Uniform Licensing Law.

20 For purposes of the Uniform Licensing Law, unless the
21 context otherwise requires:

22 (1) Board or professional board means one of the boards
23 appointed by the State Board of Health;

24 (2) Licensed, when applied to any licensee in any of the
25 professions named in section 71-102, means a person licensed under
26 the Uniform Licensing Law;

27 (3) Profession or health profession means any of the
28 several groups named in section 71-102;

1 (4) Department means the Department of Health and Human
2 Services Regulation and Licensure;

3 (5) Whenever a particular gender is used, it is construed
4 to include both the masculine and the feminine, and the singular
5 number includes the plural when consistent with the intent of the
6 Uniform Licensing Law;

7 (6) License, licensing, or licensure means permission to
8 engage in a health profession which would otherwise be unlawful in
9 this state in the absence of such permission and which is granted
10 to individuals who meet prerequisite qualifications and allows them
11 to perform prescribed health professional tasks and use a
12 particular title;

13 (7) Certificate, certify, or certification, with respect
14 to professions, means a voluntary process by which a statutory,
15 regulatory entity grants recognition to an individual who has met
16 certain prerequisite qualifications specified by such regulatory
17 entity and who may assume or use the word certified in the title or
18 designation to perform prescribed health professional tasks. When
19 appropriate, certificate means a document issued by the department
20 which designates particular credentials for an individual;

21 (8) Lapse means the termination of the right or privilege
22 to represent oneself as a licensed, certified, or registered person
23 and to practice the profession when a license, certificate, or
24 registration is required to do so;

25 (9) Credentialing means the totality of the process
26 associated with obtaining state approval to provide health care
27 services or human services or changing aspects of a current
28 approval. Credentialing grants permission to use a protected title

1 that signifies that a person is qualified to provide the services
2 of a certain profession. Credential includes a license,
3 certificate, or registration; and

4 (10) Dependence means a compulsive or chronic need for or
5 an active addiction to alcohol or any controlled substance or
6 narcotic drug.

7 Sec. 3. Section 71-183.02, Revised Statutes Supplement,
8 2001, is amended to read:

9 71-183.02. For purposes of sections 71-183 to 71-193.20
10 and section 1 of this act, dental assistant means a person, other
11 than a dental hygienist, employed by a licensed dentist for the
12 purpose of assisting such dentist in the performance of his or her
13 clinical and clinical-related duties.

14 Sec. 4. Section 71-193.16, Revised Statutes Supplement,
15 2001, is amended to read:

16 71-193.16. For purposes of sections 71-183 to 71-193.20
17 and section 1 of this act, (1) general supervision means the
18 directing of the authorized activities of a dental hygienist or
19 dental assistant by a licensed dentist and shall not be construed
20 to require the physical presence of the supervisor when directing
21 such activities and (2) indirect supervision means supervision when
22 the licensed dentist authorizes the procedure to be performed by a
23 dental hygienist or dental assistant and the licensed dentist is
24 physically present on the premises when such procedure is being
25 performed by the dental hygienist pursuant to section 71-193.18 or
26 the dental assistant.

27 Sec. 5. Section 71-1,103, Revised Statutes Supplement,
28 2000, is amended to read:

1 71-1,103. The following classes of persons shall not be
2 construed to be engaged in the unauthorized practice of medicine:

3 (1) Persons rendering gratuitous services in cases of
4 emergency;

5 (2) Persons administering ordinary household remedies;

6 (3) The members of any church practicing its religious
7 tenets, except that they shall not prescribe or administer drugs or
8 medicines, perform surgical or physical operations, nor assume the
9 title of or hold themselves out to be physicians or surgeons, and
10 such members shall not be exempt from the quarantine laws of this
11 state;

12 (4) Students of medicine and surgery who are studying in
13 an accredited school or college of medicine and who gratuitously
14 prescribe for and treat disease under the supervision of a licensed
15 physician;

16 (5) Physicians and surgeons of the United States Armed
17 Forces or Public Health Service or United States Department of
18 Veterans Affairs when acting in the line of such duty in this
19 state;

20 (6) Physicians and surgeons who are graduates of an
21 accredited school or college of medicine with the degree of Doctor
22 of Medicine and licensed in another state when incidentally called
23 into this state for consultation with a physician and surgeon
24 licensed in this state;

25 (7) Physicians and surgeons who are graduates of an
26 accredited school or college of medicine with the degree of Doctor
27 of Medicine and who reside in a state bordering this state and who
28 are duly licensed under the laws thereof to practice medicine and

1 surgery but who do not open an office or maintain or appoint a
2 place to meet patients or to receive calls within this state unless
3 they are performing services described in subdivision (7) of
4 section 71-1,102;

5 (8) Persons providing or instructing as to use of braces,
6 prosthetic appliances, crutches, contact lenses, and other lenses
7 and devices prescribed by a doctor of medicine licensed to practice
8 while working under the direction of such physician;

9 (9) Dentists practicing their profession when licensed
10 and practicing in accordance with sections 71-183 to 71-191 and
11 section 1 of this act;

12 (10) Optometrists practicing their profession when
13 licensed and practicing under and in accordance with sections
14 71-1,133 to 71-1,136;

15 (11) Osteopathic physicians practicing their profession
16 if licensed and practicing under and in accordance with sections
17 71-1,137 and 71-1,141;

18 (12) Chiropractors practicing their profession if
19 licensed and practicing under sections 71-177 to 71-182;

20 (13) Podiatrists practicing their profession when
21 licensed and practicing under and in accordance with sections
22 71-173 to 71-176;

23 (14) Psychologists practicing their profession when
24 licensed and practicing under and in accordance with sections
25 71-1,206.01 to 71-1,206.35;

26 (15) Advanced practice registered nurses and certified
27 registered nurse anesthetists practicing their profession when
28 licensed and practicing under and in accordance with the Advanced

1 Practice Registered Nurse Act;

2 (16) Any person licensed or certified under the laws of
3 this state to practice a limited field of the healing art, not
4 specifically named in this section, when confining themselves
5 strictly to the field for which they are licensed or certified, not
6 assuming the title of physician, surgeon, or physician and surgeon,
7 and not professing or holding themselves out as qualified to
8 prescribe drugs in any form or to perform operative surgery;

9 (17) Physicians and surgeons who are duly licensed to
10 practice medicine and surgery in another state who have been
11 recommended by the secretary of the board of examiners in the state
12 of licensure and who have been granted temporary practice rights by
13 the Board of Medicine and Surgery, with the approval of the
14 department, for a period not to exceed three months in any
15 twelve-month period;

16 (18) Persons obtaining blood specimens while working
17 under an order of or protocols and procedures approved by a
18 physician, registered nurse, or other independent health care
19 practitioner licensed to practice by the state if the scope of
20 practice of that practitioner permits the practitioner to obtain
21 blood specimens; and

22 (19) Any other trained person employed by a licensed
23 health care facility or health care service defined in the Health
24 Care Facility Licensure Act or clinical laboratory certified
25 pursuant to the federal Clinical Laboratories Improvement Act of
26 1967, as amended, or Title XVIII or XIX of the federal Social
27 Security Act to withdraw human blood for scientific or medical
28 purposes.

1 Every act or practice falling within the practice of
2 medicine and surgery as defined not specially excepted in this
3 section shall constitute the practice of medicine and surgery and
4 may be performed in this state only by those licensed by law to
5 practice medicine in Nebraska.

6 Sec. 6. Original section 71-1,103, Revised Statutes
7 Supplement, 2000, and sections 71-101, 71-183.02, and 71-193.16,
8 Revised Statutes Supplement, 2001, are repealed.